

ORIGINAL

IN THE COURT OF COMMON PLEAS

(CIVIL DIVISION)

HAMILTON COUNTY, OHIO

JAMES W.D. WILLIAMS, IV

: CASE NUMBER:

A 18 03 174

#743-244

: JUDGE:

P.O. BOX 300

:

ORIENT, OHIO 43146,

:

Plaintiff,

:

-VS-

:

:

WALMARTS, PRESIDENT

:

(NAME PRESENTLY UNKNOWN)

: COMPLAINT

4000 RED BANK ROAD

: (JURY DEMAND ENDORSED HEREIN)

CINCINNATI, OHIO 45227,

:

Defendant,

:

AND

:

:

WALMARTS, VICE PRESIDENT

:

(NAME PRESENTLY UNKNOWN)

:

4000 RED BANK ROAD

:

CINCINNATI, OHIO 45227,

:

Defendant,

:

AND

:

:

FILED

2018 JUN 26 P 2:40



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WALMARTS, STORE SECURITY OFFICERS :

(NAMES PRESENTLY UNKNOWN) :

4000 RED BANK ROAD :

CINCINNATI, OHIO 45227, :

Defendant, :

AND :

:

WALMARTS, STORE MANAGEMENT :

(NAMES PRESENTLY UNKNOWN) :

4000 RED BANK ROAD :

CINCINNATI, OHIO 45227, :

Defendant, :

AND :

:

WALMARTS, STORE CASHIER :

(NAME PRESENTLY UNKNOWN) :

4000 RED BANK ROAD :

CINCINNATI, OHIO 45227, :

Defendant, :

AND :

JOHN/JANE DOES 1-10 :

(NAMES/ADDRESSES PRESENTL :

UNKNOWN), :

Defendants, :

FIRST CLAIM FOR RELIEF

1. This claim involves claims of "Wrongful Or Illegal Detainment" and "Negligence" specifically but it also includes and is not limited to claims of "Slander", "Defamation Of Character" and "Cruel And Unusual Punishment". (These are, in fact, 42 U.S.C. Sections 1981-1984 Civil Rights Claims which may be transferred to the United States District Courts for the Southern or Western Divisions of the United States of America and/or for the State of Ohio if or when Defendants chose to file for such a transfer of the case.) In the meantime, this Honorable Hamilton County Court of Common Pleas has full and complete jurisdiction over the within complaint and case though as said claims occurred in the years of late 2017 to the very beginning of 2018 in Hamilton County, State of Ohio at 4000 Red Bank Road, Cincinnati, Ohio 45227.
2. At all relevant times the Plaintiff, James W.D. Williams, IV, was and remains a resident of the State of Ohio, and he was wrongfully or illegally detained at the Walmarts Store on 4000 Red Bank Road, Cincinnati, Ohio 45227 by store security (theft prevention) officers due to the negligence of Defendant Walmarts and its employees, supervisors, management, staff, agencies, security officers or cashiers in Hamilton County, State of Ohio at the very end of the year of 2017 and/or at the very beginning of the year of 2018. (Plaintiff picked up a Walmarts to Walmarts from his deaf mother, Freda Williams, of 2685 Cedarbrook Way, Beavercreek, Ohio 45431, (937)-556-6399, at which time, he had his fiancée', Corinda Marie Childress, of 4138 Round Bottom Road, #A, Cincinnati, Ohio 45244, (513)-354-9818, legal and custodial four (4) and five (5) year old grandchildren, Adalena and Allyona Cook, present with him and in his care as he planned to do some late Christmas Shopping for and with them being it was papa and the grandchildren's special day together to spend time together doing whatever we wished to do.) After receiving the Walmarts to Walmarts Plaintiff proceeded to his shopping with his fiancée's legal and custodial four (4) and five (5) year old grandchildren as indentified above, at which time, he realized one of the grandchildren ripped a price tag off so he informed her to never do that again & proceeded to the register to pay for the things they picked out, at which time, he immediately handed the ripped off price tags to the cashier advising his grandchildren ripped such off the boots or shoes and apologized for such. Said cashier said oh ok no problem. Then Plaintiff placed all items onto the counter and the cashier scanned all items and bagged them. Plaintiff then paid the amount, in which, the cashier said was due in cash and thgen grabbed his bagged items bagged by the cashier and placed them into his

cart as he said thank & proceeded out of the store with his grandchildren in his cart too. To Plaintiff and his grandchildren's dismay, store security started screaming at them on their way out the door advising them they had stolen some boots or shoes as they looked at the receipt and said one of the boots or shoes was not paid for and we intentionally was stealing or shop lifting. At this time Plaintiff and his grandchildren were forced into a small security room by the front door, locked in there and kept in there until demanding that the police be called, at which time, Red Bank Police Department arrived, reviewed camera's and cleared us. Then Plaintiff paid for the other boots or shoes as he had plenty of money, thought they was already paid for and he wanted his grandbabies to have them. Store Management (not the security officers) came in and apologized and we was cleared and released from the wrongful or illegal detainment, at which time, my fiancée' arrived to the store security office to pick us all up due to us being so embarrassed, ashamed, in shock and shook up as we all was in tears crying and telling security & police we stole nothing which evidence of camera, security and cashiers revealed and showed. (Most devastating day of Plaintiff and his grandbabies & their grandmothers life!)

3. At all relevant times, the Defendants was and is not a facility of incarceration nor a jail, prison or law enforcement department but instead a "Walmarts Store".
4. At all relevant times, the Defendants was and is responsible for the maintenance, operation, repair, and oversight of the Defendant Walmarts and its security and security officers, cashiers, store management or store supervisors (shift supervisors), employees, staff, officers, agents, customers, and other such persons. Further, Defendants is charged with the duty of hiring, terminating, reviewing, training, supervising, and certifying any and all employees, staff, officers, agents, and other persons.
5. At all relevant times, Defendants was and remains under the control and supervision of the Defendants herein. Upon information and belief, Defendants was acting as store manager or supervisor on a temporary or full-time basis during all or part of the relevant times herein.
6. At all relevant times, Defendants both as a board, entity, business or company and as individual owners, partners or commissioners, was and remain in direct control, supervision or management and/or otherwise over the other named Defendants herein.
7. At all relevant times, Defendants John and/or John Does 1-10 were and remain employees, staff, officers, agents, assignees or otherwise of the Defendants named herein; however, upon initial due diligence the names, identities and/or addresses of the same cannot be

readily identified but will become so upon further discovery in this matter. Plaintiff reserves the right pursuant to Ohio Law to supplement names, identities and addresses as such become known to the Plaintiff.

8. Each Defendant names herein is being sued in their individual and official capacities.
9. Plaintiff and his fiancée's grandchildren was housed and held wrongfully or unlawfully through detainment by security officers of Defendant Wal-marts, without his or their input or consent, in the security office with the door closed and locked and with them not being permitted to leave or exit the room through the authority of Defendants.

COUNT ONE

NEGLIGENCE

10. The Plaintiff hereby incorporates by reference each and every allegation set forth in paragraphs one through nine of this complaint as if fully restated or set forth herein.
11. Defendants, individually and severally, owed a duty to provide the Plaintiff and his fiancée's grandchildren with reasonable and ordinary care for their health, well-being, medical needs, and to keep them safe and protected from harm while under their custody, control, care and management as customers of their store.
12. Defendants, individually and severally, materially breached such duties owed to the Plaintiff and his fiancée's grandchildren.
13. Each Defendant knew or reasonably should have known from proper security, security cameras and management or supervision that the Plaintiff and his fiancée's grandchildren never stole or attempted to steal anything from Wal-marts. Therefore, Plaintiff and his fiancée's grandchildren should not have been detained wrongfully or unlawfully as they were.
14. Each Defendant acted or failed to act with due diligence in the performance of their respective and collective duties owed to the Plaintiff and those innocent four (4) and five (5) year old children. Defendants further showed indifference to the Plaintiff and those innocent babies or children.
15. Each Defendant failed to perform or comply with local, State and Federal Regulations for standard of care, safety, and medical treatment as well.
16. The policy and procedure established by each Defendant for stopping and detaining alleged shoplifters in both form and substance (physically) are inadequate, unsafe, and fail to

Comply with applicable laws and regulations. Further, none or most of the Defendant Walmarts employees, staff, workers, cashiers, supervisors, management, other officers or officials and agents are not properly or adequately trained, supervised, qualified or certified to oversee or perform security at the Defendant Walmarts Store and/or to work as a cashier.

17. Each named Defendant acted or failed to acted or failed to act negligently, recklessly, intentionally, willfully, and wantfully. Based upon the foregoing alone, Plaintiff is entitled to punitive or compensatory damages and other damages.

18. As a direct and proximate result of each named Defendant's conduct, jointly and severally, the Plaintiff has and will continue to suffer pain and suffering; physical injury, aggravation, discomfort, extreme and outrageous emotional distress and discomfort; and other compensatory, punitive, consequential, incidental, and special damages or injuries.

19. Each Defendant was charged with the duty to properly hire, train, and supervise subordinate employees, staff, and agents, to maintain safe Walmart Stores according to the minimum standards set by Local, Ohio and Federal Laws or Regulations. As set forth above, each Defendant materially breached said duties.

COUNT TWO

42 U.S.C. SECTION 1981-1985

CIVIL RIGHTS CLAIMS

20. The Plaintiff hereby incorporates by reference each and every allegation set forth in paragraphs one through nineteen as if fully restated herein.

21. Each Defendant, jointly and severally, violated or allowed to be violated the Plaintiff's United States Constitutional Rights to be free from Cruel And Unusual Punishment pursuant to and in accordance with the letter and spirit of the Eighth Amendment and his right to Due Process of Law pursuant to and in accordance with the letter and spirit of the Fifth Amendment to the United States Constitution. The Defendants further violated the Plaintiff's corresponding Ohio Constitutional Rights.

23. Each named Defendant acted or failed to act intentionally, recklessly, and/or willfully and wantfully. Based upon the foregoing, the Plaintiff is entitled to punitive or compensatory damages and other damages.

24. As a direct and proximate result of each named Defendant's conduct, jointly and severally, the Plaintiff has and will continue to suffer pain and suffering; physical injury, aggravation, and discomfort, extreme and outrageous emotional distress and discomfort; and other compensatory, consequential, and incidental and special damages or injuries.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff for his complaint against each named Defendant, jointly and severally, demands and prays for judgment as follows:

- 1. Judgment against each Defendant, jointly and severally, in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00) for compensatory, incidental, consequential, and other special damages and injuries.**
- 2. Judgment against each Defendant, jointly and severally, in an amount of One Million Dollars (\$1,000,000.00) by and for punitive damages on each count.**
- 3. Any and all other damages proven at trial to which the Plaintiff may be entitled to which includes but is not limited to costs, attorney fees, interest, and further relief this Court deems the Plaintiff is entitled to.**

Respectfully Submitted,



JAMES W.D. WILLIAMS, IV #743-244

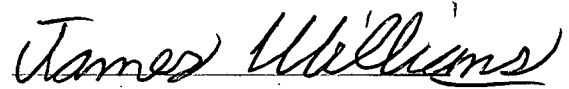
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ORIENT, OHIO 43146

(JURY DEMAND)

The Plaintiff hereby respectfully requests a jury of the maximum amount permissible pursuant to Ohio Law, on all counts.

Respectfully Submitted,

A handwritten signature in black ink, reading "James W.D. Williams, IV". The signature is written in a cursive style with a horizontal line underneath the name.

JAMES W.D. WILLIAMS, IV #743-244

P.O. BOX 300

ORIENT, OHIO 43146

(CERTIFICATE OF SERVICE)

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served upon all named Defendants by regular US Mail, postage prepaid, this 18th day of May, 2018 Friday at the addresses indicated on the face of the within complaint.

Respectfully Submitted,

A handwritten signature in black ink, reading "James W.D. Williams, IV". The signature is written in a cursive style with a horizontal line underneath the name.

JAMES W.D. WILLIAMS, IV #743-244

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